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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the follow-up to the Leaders' Meeting on refugee flows along the Western Balkans
Route**

The unprecedented flows of refugees and migrants starting late summer 2015 and escalating in the autumn followed a common route. The "Western Balkans" route became the focus of the challenge faced by Europe, with over 650,000 people crossing from Turkey to Greece in 2015, most travelling up through the Western Balkans to Central and Northern Europe. These movements were not only unpredictable and unprecedented in size, they often took place at great speed, and sparked the concern that countries were simply passing on the people to neighbours further along the route. This revealed a striking lack of capacity, cooperation and solidarity, as well as basic communication between the countries along the route: a specific problem which required a specific operational and political solution at European level.

On 25 October 2015, President Juncker convened a meeting of the Heads of State or Government of the countries concerned. The Heads of State or Government of Albania, Austria, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, Romania, Serbia and Slovenia took part, and were joined by the President of the European Parliament, the President of the European Council, the current and incoming Presidencies of the Council of the European Union, and the United Nations High Commissioner for Refugees (UNHCR).¹

The Leaders agreed a 17-point plan of action² for immediate implementation, covering both how to cooperate, and what to achieve collectively to better manage the flows of migrants and refugees, notably as regards reception capacities and border management. This work has been taken forward in full complementarity with the EU's broader efforts on tackling the refugee crisis, with the participation of the Presidency of the Council to ensure coherence.³ Ahead of the European Council of 17-18 December 2015, this report aims to take stock of the implementation of the Leaders' Statement.⁴

The meeting of 25 October coincided with the peak week for crossings to Greece of over 50,000 in one week. These numbers had dropped to under 14,000 a week by early December, but remain uneven. Similarly, Slovenia saw over 12,600 people entering on a single day in October – by the end of November, arrivals were averaging around 2,000-3,000 a day. But the figures remain unstable and high enough to maintain a continued high pressure on the Western Balkans route.

1. Permanent exchange of information and effective cooperation (points 1-2)

The first priority was to address a lack of communication between the governments and competent authorities of the countries along the route. Within 24 hours, all participating countries, institutions and agencies had nominated contact points reporting directly to the Leaders. This has become the forum for a daily exchange of information and effective coordination, through weekly videoconferences chaired by the European Commission.^{5 6}

¹ Frontex, as well as the European Asylum Support Office, also attended.

² http://ec.europa.eu/news/2015/docs/leader_statement_final.pdf.

³ There was also a high-level conference on the Eastern Mediterranean/Western Balkans route on 8 October 2015 in Luxembourg, as well as the EU-Western Balkans JHA Ministerial Meeting on 7 December.

⁴ This report is based on information provided up to 11 December.

⁵ See below in chapter 8.

⁶ Exchanges of information have been made more effective by the activation of the EU Integrated Political Crisis Response (IPCR) arrangement in information-sharing mode.

The weekly exchanges have focused on the 17 points agreed at the Leaders' Meeting, including overall movement trends along the route, needs assessments and increases of reception capacity, measures taken at the border and consolidated Frontex reporting⁷ as an essential first step towards a more orderly movement of persons along the Western Balkan route.

There have also been intensified contacts in the region itself: Slovenia convened a meeting of Interior Ministers on 16-17 November, attended by Serbia, the former Yugoslav Republic of Macedonia and Greece. Participants agreed to improve coordination, including the exchange of information on the number of refugees crossing the border, and on reception occupancy rates. The regional police chiefs meeting in Slovenia on 3-4 December discussed operational cooperation and a possible common approach to economic migrants. Croatia did not take part in these meetings.

Nevertheless, there remain many cases of insufficient prior consultation and notification about foreseen changes in national policies or initiatives, in particular those having a possible knock-on effect in the whole region. Too many unilateral measures continue to be taken, including the de facto nationality-based entry conditions for migrants entering Croatia, Serbia and the former Yugoslav Republic of Macedonia and fence construction at the border between the former Yugoslav Republic of Macedonia and Greece (as previously Hungary had erected at its border with Serbia). Irrespective of the rationale of each individual step, the uncoordinated nature of these steps has created uncertainty and instability in the region.

An initial assessment of needs, material and financial, has been carried out. Austria, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Greece, Hungary, Romania, Serbia and Slovenia made their own assessments, on request of the Commission, covering issues such as accommodation and reception, food and basic services, registration, processing of asylum applications, return and border management. The Commission followed up the submissions with on-the-spot missions which took place in November-December 2015,⁸ with participation by UNHCR, the International Organisation for Migration, the European Investment Bank and the European Bank for Reconstruction and Development. The goal was to refine needs assessments both in terms of scope and duration and match the needs with the most appropriate sources of funding.⁹ As a next step, additional exercises will need to be conducted to assess the medium and long term needs in all countries, also paying more attention to areas like integration and return.¹⁰

2. Limiting Secondary Movements (point 3)

Part of the impetus for the Leaders' commitment to discourage the movement of refugees and migrants to the border of another country of the region, and to state clearly that a policy of

⁷ Please see details below in chapters 4 and 5.

⁸ The schedule of needs assessment related missions is the following: Greece on 26-27 October and 18 November, Slovenia on 9 and 16-17 November, Croatia on 10-12 November, Serbia on 19-20 November, Bulgaria on 30 November, former Yugoslav Republic of Macedonia on 30 November-1 December, Austria on 3 December, Romania on 7 December, and Hungary on 8 December. There was also a preparatory meeting with Germany on 30 November, with a follow-up mission planned for early 2016.

⁹ See below in chapter 3.

¹⁰ See below in chapter 4. A fully updated needs assessment from Greece is still awaited.

waving through refugees was not acceptable, were widespread reports¹¹ that countries were facilitating the swift passage of refugees and migrants to neighbouring countries by providing transport or administrative support to move swiftly along the route, without prior notification of the receiving country. This led to an acceleration of the flows which exacerbated the challenge of managing the arrival of migrants and refugees in an orderly way, and put a particular burden on destination countries at the end of the Western Balkan route.

Since then, there have been fewer reports of such measures and more cases of cooperation and communication between border authorities. However, a lack of political will to create reception capacity for stays of more than 24 hours in a number of countries along the route – suggesting that these countries see themselves as transit countries only – also points to limited interest in decelerating the flows – though international actors including UNHCR have also noted that refugees and migrants are often very determined to move on to their intended destination countries, rather than staying in the countries along the route.

3. Supporting refugees and providing shelter and rest (points 4-7)

Increasing the capacity to provide temporary shelter, rest, food, health, water and sanitation to all in need was agreed as one of the key imperatives for all countries. Such facilities also offer a better and more predictable way to manage the flows and improve registration along the route. Important steps have been taken during the last two months to meet the Leaders' commitment of increasing reception capacity in Greece to a total of 50,000 places by the end of 2015¹² and along the Western Balkan route by an additional 50,000 places, with the help of EU financial support and the assistance of partners such as the UNHCR and the International Organisation for Migration. However, further efforts are urgently needed to meet the committed capacity targets set by the Leaders and to ensure proper shelter, rest and other humanitarian needs of the refugees.

In Greece,¹³ the Commission has agreed to finance €80 million from the Asylum, Migration and Integration Fund and the Internal Security Fund to support UNHCR programmes and establish 27,000 reception places.¹⁴ The Commission has adopted a financing decision to allow the UNHCR to award contracts to reach and operate 20,000 places through a combination of hotel vouchers, rental of apartments and buildings and a host family scheme. 500 places are already available, with a possibility to extend this number until the call is completed. The programme will also fund the realisation of 7,000 first reception places in the Greek islands (hotspots), the main role of which would be to facilitate eventual relocation to other Member States and/or referrals to the Greek asylum system. If all forms of reception

¹¹ For example, the Commission's needs assessment mission to Croatia noted a continued practice of organising transport to the Slovenian border.

¹² Divided between an "intention to increase reception capacity to 30.000 places by the end of the year and [a commitment] to supporting Greece and UNHCR to provide rent subsidies and host family programmes for at least 20.000 more."

¹³ Greece notified in its needs assessment in October that it has 9,171 permanent places (3,071 places in open reception facilities, out of which 1,371 places for asylum seekers and 1,700 places for non-asylum seekers, and 6,100 places in pre-removal centres for returnees) and 2,543 first reception (temporary) ones (of which 2,303 in the five identified hotspots and 240 in Filakio).

¹⁴ Altogether for 2014-2020, Greece has been allocated €474 million as its AMIF and ISF national programmes, out of which €33 million have already been paid in 2015. In the last months, Greece (to the Greek authorities directly as well as UNHCR and IOM for activities in Greece) has been awarded a total amount of €51.9 million in emergency assistance, from ISF (€22.2 million) and AMIF (€29.7 million).

capacity are included and plans are implemented, reception capacity in Greece should reach 35.000 by early January 2016.

This points to a shortfall of 23,000 places compared to the agreement to 30,000 places in addition to the 20,000 place rent subsidy scheme. It is essential to swiftly identify how this shortfall will be addressed: a first step has been taken with the identification of some potential locations.

Along the Western Balkan route, in terms of the commitment to an additional capacity of 50,000:

- ✓ The former Yugoslav Republic of Macedonia has undertaken to increase its number of reception places to 2,000, adapted to the needs of winter, but all of these are very short-term transit places for a few hours only: there is a lack of political will to increase the duration of possible stay in these places. In terms of support, the Commission has committed or firmly planned through the Instrument for Pre-Accession altogether €39 million for migration related activities in the country. The Commission is also supporting humanitarian operations (€2.6 million¹⁵). Many other donors, including Member States, are also active.
- ✓ Serbia has committed itself to increasing to 6,000 places by the end of 2015, and upgrading its existing capacity. Donors are exploring the possibilities for a further 6,000 places for which Serbia has indicated a potential technical capacity but not taken a political decision. Under the Instrument for Pre-Accession, €7 million has been made available to cover some expenditure (reconstruction and running costs) related to the expansion of the capacity. In addition, EU humanitarian assistance to Serbia currently amounts to €5.9 million,¹⁶ as well as other bilateral assistance.
- ✓ Croatia currently has 5,000 temporary places which are now upgraded for the winter, and which replace its previous, non-winterised 5,000 capacity. It has received €16.4 million in emergency financing¹⁷ in 2015 to support reception capacity, conditions for refugees and policing. There has been no political will to increase reception capacity or to increase the possible duration of stay at the existing facilities.
- ✓ Since mid-October, the existing capacity in Slovenia has remained stable with around 7,000 temporary places. It is working on an increase of 2,000 winterised temporary places. In November, it received emergency funding of €10.2 million to support reception capacity and policing of the border.
- ✓ Austria has been under particular pressure as both a transit and a destination country and has increased its capacity by 16,000 places since the Leaders' Meeting, increasing the capacity to almost 74.000 places. It has received €6.3 million in emergency assistance in 2015, covering reception capacity and asylum administration.

¹⁵ Covering the provision of temporary shelters and basic services such as food, non-food items, and protection.

¹⁶ Covering the provision of temporary shelters and basic assistance to refugees such as food, non-food items, protection, and health.

¹⁷ Emergency financing in this section refers to financing under the Asylum, Migration and Integration Fund and the Internal Security Fund-Borders and Visa.

These figures show that significant efforts have been made. Some countries had already put new reception capacity in place in the weeks leading up to the Leaders' Meeting. Many countries have worked to improve the quality of reception places for winter and to add temporary places. However greater efforts are needed. Less than half the figure of 50,000 extra reception places committed at the Leaders' Meeting has been created so far. These are also concentrated in very few countries. Short-term places (up to 24 hours) can help immediate needs, but reflect a "transit" philosophy which is not in line with a full commitment to contribute to slowing the flow of migrants and refugees.¹⁸ Funding could be used to make temporary facilities more permanent, but this requires a clearer concept of how to manage the flow in a way which allows for a more even spread and a clear political will of the countries to create reception capacities.

Countries not currently affected by the flows have not increased reception capacity since the Leaders' Meeting. Albania (300 places) Bulgaria (5130 permanent places, as well as over 800 which can be triggered in case of need¹⁹), Romania (1,200 permanent, 550 temporary places possible in emergency) and Hungary (980 permanent places) have underlined their view that these capacities are in line with the current and prospective flows. Bulgaria and Romania have noted the low occupancy rates at their reception centres today. Yet, more extensive capacities have the potential to be used as contingency support in case of need at times of emergency. The constantly changing pattern of flows means that no country can assume it will remain insulated. In 2015, Bulgaria, Romania and Hungary have received €5.8 million, €8.6 million and €6 million respectively from national programmes under the Asylum, Migration and Integration Fund and the Internal Security Fund.²⁰ Bulgaria and Hungary also received €4.1 million and €6.7 million in emergency funding. Using such resources to build up reception capacity for the future would be a prudent contingency.

A further €13 million has now been earmarked for humanitarian assistance to refugees, asylum seekers and migrants, primarily in Serbia and the former Yugoslav Republic of Macedonia. The assistance will include food, non-food items, protection and shelter. This will bring the total EU humanitarian aid to the Western Balkans for 2015 to almost €22 million.

Four Union Civil Protection Mechanism operations are ongoing along the Western Balkan route: in Serbia (activation on 21 September 2015), Slovenia (22 October 2015), Croatia (26 October 2015) and Greece (3 December 2015). In total, 15 participating states have offered assistance, primarily for tents, sleeping items, personal protective items, heating, electricity and lighting. The majority of requests for assistance have not been met and significant needs remain. For example, of 1548 sanitary and accommodation containers requested by the four countries over the course of nearly 3 months, only 15 have been provided so far. Only nominal offers made in some other key areas, such as beds and winter clothing. As regards Greece, eleven days after the request being made, five States had made equipment available. The Commission is working to facilitate a broader and swift response to all four countries requesting assistance.

¹⁸ The countries concerned have also noted that migrants and refugees cannot be forced to stay in reception facilities.

¹⁹ 400 temporary places will be added by summer 2016.

²⁰ With the total budgets of €82.4, €120.2 and €85.2 million, respectively.

Following a letter from President Juncker to the International Financial Institutions (the European Investment Bank (EIB), the European Bank for Reconstruction and Development, the Council of Europe Development Bank (CEB), the International Monetary Fund (IMF) and the World Bank), the Commission has set up a new network to put in place coordination with International Financial Institutions.²¹ It has launched a mapping exercise to establish which institutions can assist in which areas. Several relevant current projects have been identified, including 14 existing EIB projects adapted to respond to migration related demands as well as recent CEB grant agreements worth a total of €13.2 million.²² It is now critical to develop medium- and long-term responses by the International Financial Institutions, for example by embedding support for migrants in the relevant instruments implemented by the Commission.

4. Managing the migration flows together (Points 8-12)

A key element developed in the Leaders' Meeting has been to promote a collective approach to migration management. The border management initiatives set out below all seek to raise the standards in strategic locations, encouraging full registration and fingerprinting. This is also a core concept of the hotspots in Greece (where a further 30 fingerprinting machines, on top of the current 46 ones, should be available soon).

Part of a consistent approach is to have a series of principles governing decision-making at the border through a common understanding. The Leaders' Statement confirmed the principle that – as long as there was a prior non-refoulement and proportionality check – countries could refuse entry only to individuals who did not express a wish to apply for international protection. Linked to this is the principle of "no registration, no rights": the registration of migrants (irrespective of their status) is the precondition to appropriately managing the flows and setting the rights and duties of migrants. However, in practice this led to a de facto nationality-based approach of refusing entry to all those who are not of certain nationalities (Syrian or Iraqi). So far, it is unclear whether all those who have been refused entry effectively did not express a wish to apply for asylum.

Frontex has been providing daily situational reports on the Western Balkan route since the Leaders' Meeting, based on information provided by the countries. In order to improve the consistency of reporting and develop definitions and indicators, on 12 November Frontex hosted a technical meeting of the Western Balkans Risk Analysis Network. This has resulted in joint operational reporting online as of 23 November, with the participation of all countries. Frontex has been continuing to work to improve the quality and coverage of the data and to pull together a broader analysis – its daily reports now include an ongoing situational picture covering not only border crossings, but registered persons, vulnerable groups and top nationalities. It is also in a position to assess trends and provide an overview – calculating, for example, that in the course of November, Greece fingerprinted some 54,000 people under Eurodac procedures.²³ The set-up of the FRONTEX mission at the Northern border in Greece should further improve registration. In addition, the European Asylum Support Office (EASO) shares weekly overviews on the situation of asylum and the latest asylum trends (number of asylum applications, main countries of origin of such applicants, number and type of decisions issued in first instance).

²¹ Four videoconferences have taken place, on 28 October, 5 November, 19 November and 3 December.

²² Including €2.3m for Serbia, €2.2m for FYROM, €1.5m for Slovenia as well as IOM implemented projects in Greece, the former Yugoslav Republic of Macedonia, Croatia and Slovenia.

²³ Though paper registration is also still in use at present.

The Leaders' Statement also underlines the importance of return as one of the essential components of effective migration management. More needs to be done as the number of returns is not increasing. The EU has stepped up its support to Member States working to implement their obligations under the Return Directive. The Commission also continues to develop and to strengthen the available tools, including a substantial amount foreseen in national programmes under the Asylum, Migration and Integration Fund. For example, in the case of Greece, the Commission has awarded the Hellenic Police (with the International Organisation on Migration (IOM) as a co-beneficiary) a €2.5 million grant under the Asylum, Migration and Integration Fund, covering the period of 1 December 2015 to 31 May 2016, including components for both forced and assisted voluntary returns (total of 2,080 returnees).

To execute returns, readmission requires the support of third country partners. Agreeing on an earlier application of the EU-Turkey Readmission Agreement was an important element in the EU-Turkey Joint Action Plan.²⁴ The Leaders' Statement identified three other priority countries. High Representative/Vice-President Mogherini agreed on 1 December with Foreign Minister Rabbani of Afghanistan to hold as soon as possible a High Level Dialogue on Migration, preceded by a senior officials' visit to Kabul. On 5 November, she agreed with Foreign Minister Ali of Bangladesh to convene the first meeting of a new dialogue on migration and mobility in early 2016. On 23 November, Commissioner Avramopoulos travelled to Pakistan where he had exchanges with the Ministers of Interior and Foreign Affairs on the implementation of the EU-Pakistan Readmission Agreement and obtained Pakistan's commitment to cooperate on readmission, while noting the need to work together to address concerns with regards to the practical implementation of the agreement. At both at the political and technical level however, progress with Pakistan remains difficult, as shown by the issues with the recent return flight on 2 December, where a large number of returnees were not admitted into Pakistan, due to a dispute over paperwork. In the meantime political discussions continue and technical discussions to clarify several points on implementation are planned during the next Joint Readmission Committee on 12 January 2016.

5. Border management (Points 13-14)

The Leaders' Statement identified a series of key points at the border on the route where further immediate efforts to manage and regain control of our borders and increase cooperation were needed.

The EU-Turkey Summit on 29 November activated a Joint Action Plan which now provides the framework for a close cooperation between the two sides. This Plan reflects mutual commitment between EU and Turkey to address the crisis created by the conflict in Syria together in a spirit of burden sharing and to step up their cooperation to support the protection of persons forcibly displaced by the conflict in Syria to Turkey and strengthen their cooperation to bring order into migratory flows and help to stem irregular migration.

Frontex is in the process of reinforcing its presence at the border between Bulgaria and Turkey, anticipating a deployment of 24 border officers, with technical equipment.

²⁴ http://ec.europa.eu/priorities/migration/docs/20151016-eu-revised-draft-action-plan_en.pdf.

As regards scaling up the Poseidon Sea Joint Operation, following the decision by the Greek authorities to deploy 31 team leaders from the Hellenic Police in early December, Frontex can increase its presence on the islands and in the Aegean Sea by a further 100 staff, starting in January 2016. The deployment of team leaders is almost complete. Currently 157 Frontex guest officers are deployed on land and 146 at sea. In addition, Greece issued a formal request on 3 December 2015 for the deployment of a Rapid Border Intervention Team operation to provide immediate border guard support at its external border in the Aegean islands.

Greece agreed on 3 December an operational plan with Frontex for a new operation at the Greek border with the former Yugoslav Republic of Macedonia. The potential for this border to become a source of tension has increased during the time taken to agree the Frontex deployment, as a result of the erection of border fencing as a border management tool, and the decision by the former Yugoslav Republic of Macedonia to follow the decision of other countries to restrict passage on the grounds of nationality. The Leaders' Statement also pointed to the need for Greece and the former Yugoslav Republic of Macedonia to fully engage in bilateral border-related confidence-building measures: little has been achieved on this score since their Foreign Ministers' meeting at the start of November, although day-to-day contacts between the border administrations have improved.

Further steps should also be taken to overcome the obstacles hindering Frontex from working across the border of Serbia and Croatia as an EU Member State and a third country. Frontex could assist in monitoring border crossings and supporting registration at Croatian-Serbian border crossing points.

Another way of offering support has been to help countries concerned to ensure that the flows do not create public order problems. At the Leaders' Meeting Slovenia requested the support of 400 police officers within a week through bilateral support. At present only around 200 police officers from other Member States are deployed in Slovenia.

The step-by-step focus on key issues along the Western Balkan route has resulted in improved predictability, underpinned by a substantial Frontex presence, although progress has remained uneven. Measures are also being held back by shortfalls in Member States' response to Frontex calls for expertise and equipment (to-date, Member States have pledged only 31% of the total man-days requested by Frontex).

The refusal of entry to third country nationals who do not confirm a wish to apply for international protection (in line with international and EU asylum law and subject to prior non-refoulement and proportionality checks) is part of measures which can be taken to address irregular migration. But the consequences need to be acknowledged: these include a risk of a build-up of people stranded at borders, the possible encouragement of smuggling and a diversion of flows elsewhere (Bosnia and Herzegovina and Montenegro have adopted contingency plans to ward against this eventuality). This needs to be followed up. For example, Frontex will assist Greece with the registration of migrants through the deployment of 26 officers at the border with the former Yugoslav Republic of Macedonia. Return operations for those who are not in need of international protection should be also stepped up. UNHCR is also helping the Greek authorities with directing people into the Greek migration management system and with immediate humanitarian needs: a major operation took place on 10 December to transfer people from the Northern border to major cities to assess their asylum claims.

6. Tackling smuggling and trafficking (Point 15)

As well as cooperating on migration flows, another aspect of cooperation has been work on combating smuggling and trafficking. A memorandum of understanding to allow the exchange of personal data between Europol and Frontex was signed on 4 December. Europol will set up a European Migrant Smuggling Centre by March 2016. One example of Europol's increased support is the establishment of a Joint Operational Office in Vienna as a temporary, regional intelligent/investigation node fully integrated in the European Migrant Smuggling Centre but allowing better cooperation among different Member State investigators present in Austria. The recruitment of most of the new staff members allocated to the European Migrant Smuggling Centre will be launched this year.

Europol has recently provided support (operational information exchanges and deployment of an analyst) to several large-scale operations against migrant smuggling in the Western Balkans, including for instance the Common Operation "Koštana 2015" in September-October 2015 at the border between Serbia and the former Yugoslav Republic of Macedonia, with the participation of seven countries of the region. Most recently, Europol supported on 2 December a large-scale joint operation carried out by law enforcement and judicial authorities from Austria, Greece, Sweden and the United Kingdom. This case, which was coordinated by judicial authorities in Thessaloniki (Greece), targeted an organised crime group suspected of smuggling people into the EU and resulted in the dismantling of a criminal group and arrests of a total of 23 suspects.

7. Information on the rights and obligations of refugees and migrants (Point 16)

Information is essential to combat misconceptions and unrealistic expectations amongst refugees and migrants, and to convince them to avoid perilous journeys and not to rely on smugglers. The Commission has set up a Task Force on Communication which includes all relevant institutional actors. The Task Force has defined an Information Strategy based on three phases: assessment, content-production and dissemination. First, a mapping of the channels through which migrants and asylum seekers get information will be concluded to target messages more effectively to asylum seekers and migrants both within and outside the EU. This will then feed into country-specific material on asylum procedures in Europe as well as counter-smuggling narratives in key languages, and also into new dissemination channels through social media (in addition to institutional channels including the EU Delegations, working in hotspots, as well as through International Organisation for Migration, UNHCR, traditional media and representatives of the diaspora). The first communication operations along the Western Balkan route will be launched in mid-January.

8. Monitoring (Point 17)

Seven weekly follow-up videoconferences with the national contact points, chaired by the Cabinet of President Juncker, have taken place so far.²⁵ There has been a very good level of participation by all countries of the region in these videoconferences and the approach has met expectations.

²⁵ On 28 October, 4 November, 10 November, 19 November, 26 November, 2 December and 10 December.